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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,820	06/21/2006	Franklin Selgett	03-1111-B	8743
20306	7590	03/10/2010	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			KELLY, RAFTERTY D	
300 S. WACKER DRIVE			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,820	<b>Applicant(s)</b> SELGERT, FRANKLIN
	<b>Examiner</b> RAFFERTY KELLY	<b>Art Unit</b> 2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 30 November 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1,5,7-9,11-13,16-20 and 22-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,5,7-9,11-13,16-20 and 22-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsman's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

Amendment filed on 11/30/09 has been acknowledged and entered.

### ***Claim Objections***

Claim 13 is objected to because of the following informalities: this claim was previously cancelled and is now listed as amended. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5, 7-9, 11-13, 16-20, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chauvin et al. (US 2002/0030606 A1) in view of McKeen et al. (US 6529880 B1).

Regarding claims 1 and 12, Chauvin teaches a system for triggering a first device (110) to use a communication network (Fig. 1) under control of a second party (PEO) and logging the triggering [0043], the system comprising a RF chip (122) under control of a first party different from the second party (Company that the PEO works for), the first device comprising communication means for receiving a RF signal from the RF chip (Fig. 1), wherein: the first device comprises means configured to start communicating with the communication network (65, 66) responsive to receive the RF signal from the RF chip (63), the first device comprises means for sending an enabling ID to the RF chip, the enabling ID uniquely identifying the first device to the RF chip [0043], the RF

chip comprises means for receiving the enabling ID [0043], the RF chip comprises a memory for storing the enabling ID [0046].

Chauvin does not teach the financial compensation.

McKeen teaches a system further comprising causing a first party to be financially compensated by a second party for the network communications of a first device triggered by an RF chip based on an enabling ID (Abstract - customer tag is recognized by a short-term parking stall, and a first party is financially compensated for this communication).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the financial compensation discussed in McKeen in the system of Chauvin because it allows customers and employees to perform simple financial transactions with a parking meter/stall without having to use physical currency. This is very beneficial in today's society, as transactions become more often based on financial accounts (credit cards, debit cards, etc).

Regarding claims 5 and 16, Chauvin further teaches wherein the RF chip comprises means to clear the memory of the enabling ID (68).

Regarding claims 7 and 18, Chauvin teaches a system for triggering a first device (122) and logging the triggering [0046], the system comprising a RF chip (111) under control of a first party (PEO), the first device comprising communication means (Fig. 1) for receiving a RF signal from the RF chip (111), the first device further comprising communication means for communicating with a communication network (Fig. 8, 150) under control of a second party (Company that the PEO works for) different from the

first party, wherein the first device comprises means configured to start communicating with the communication network responsive to receiving the RF signal from the RF chip [0046], the RF chip comprises means for sending an enabling ID to the first device, the enabling ID uniquely identifying the RF chip to the first device (65, 66) [0043], the first device comprises means for receiving the enabling ID (65, 66) [0043].

Chauvin does not teach the financial compensation.

McKeen teaches a system further comprising means for causing a first party to be financially compensated by a second party for the network communications of a first device triggered by an RF chip based on an enabling ID (Abstract - customer tag is recognized by a short-term parking stall, and a first party is financially compensated for this communication).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the financial compensation discussed in McKeen in the system of Chauvin because it allows customers and employees to perform simple financial transactions with a parking meter/stall without having to use physical currency. This is very beneficial in today's society, as transactions become more often based on financial accounts (credit cards, debit cards, etc).

Regarding claims 8 and 19, Chauvin further teaches wherein the first device comprises a memory for storing the enabling ID and the first device comprises means for reading the enabling ID from the memory [0046].

Chauvin lacks the financial compensation.

McKeen teaches transmitting the enabling ID for use in financially compensating the first party (Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the financial compensation discussed in McKeen in the system of Chauvin because it allows customers and employees to perform simple financial transactions with a parking meter/stall without having to use physical currency. This is very beneficial in today's society, as transactions become more often based on financial accounts (credit cards, debit cards, etc).

Regarding claims 9 and 20, Chauvin teaches wherein the first device comprises means to clear the memory after transmitting the enabling ID (68).

Regarding claims 11 and 22, Chauvin in view of McKeen teaches the system according to claim 7, as shown above.

Chauvin lacks the details of the billing information.

McKeen teaches wherein billing information is created based on the enabling ID (Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the financial compensation discussed in McKeen in the system of Chauvin because it allows customers and employees to perform simple financial transactions with a parking meter/stall without having to use physical currency. This is very beneficial in today's society, as transactions become more often based on financial accounts (credit cards, debit cards, etc).

Regarding claims 13 and 17, Chauvin in view of McKeen teaches the method according to claim 12, as shown above.

Chauvin lacks the details of the financial compensation.

McKeen teaches wherein the method further comprises the step of reading the enabling ID from the memory and transmitting the ID for use in financially compensating the first party (abstract), and wherein the method further comprises the step of creating billing information based on the enabling ID (abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the financial compensation discussed in McKeen in the system of Chauvin because it allows customers and employees to perform simple financial transactions with a parking meter/stall without having to use physical currency. This is very beneficial in today's society, as transactions become more often based on financial accounts (credit cards, debit cards, etc).

Regarding claims 23-26, Chauvin teaches wherein the RF signal transmitted from the RF chip to the first device [0015] contains an identifier identifying the communication network of the second party (RF signal in 71 identifies which network to respond with), and the first device uses the identifier to connect to the communication network (72, 73, and 74).

#### ***Response to Arguments***

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

New grounds of rejection are in view of Chauvin and McKeen and are required by the numerous amendments to all independent claims. For example, the amendment clarifying the enabling ID has not been considered as presented in claim 1, and has required a new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAFFERTY KELLY whose telephone number is (571)270-5031. The examiner can normally be reached on Mon. - Fri. 800-1730 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rafferty Kelly/  
Examiner, Art Unit 2876  
3-4-10

/Michael G Lee/  
Supervisory Patent Examiner, Art Unit 2876